

Serial No.: 09/181,585

Confirmation No.: 1075

Filed: October 28, 1998

For: SPINOCEREBELLAR ATAXIA TYPE 8 AND METHODS OF DETECTION

Remarks

Claims 1, 7, 9, 11, 12, 14, 21-32, 35, 36, 38, 39, 41, 42, 50, and 51 have been canceled without prejudice, and claims 2, 3, 8, 13, 15, 17, 33, and 34 have been amended. Claims 2-4, 8, 10, 13, 15-19, 33-34, 37, 40, 43-49, and 52 are pending.

Claims 2, 3, 15, and 17 have been amended to correct the antecedent basis of the term SCA8 coding sequence. It is Applicants' position that this amendment does not narrow the scope of the claim.

Dependent claim 8 has been amended to recite the subject matter of the base claim, independent claim 7. It is Applicants' position that this amendment does not narrow the scope of the claim.

Claim 13 has been amended to delete the language directed to hybridization conditions and to correct a typographical error. It is Applicants' position that these amendments do not narrow the scope of the claim.

Claims 33 and 34 have been amended to recite the terms "consisting of" and "contiguous."

Interview

The Examiner is thanked for the courtesies extended to the undersigned during the telephonic interview of January 16, 2002 in which the amendments to claims 13, 33, and 34 were discussed and agreed to.

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The 35 U.S.C. §112, First Paragraph, Rejection

Claims 1, 7, 9, 11, 12, 14, 21-36, 38, 39, 41, 42, 50, and 51 were rejected for containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, has possession of the claimed invention. This rejection is respectfully traversed.

In the interests of furthering prosecution, claims 1, 7, 9, 11, 12, 14, 21-32, 35, 36, 38, 39, 41, 42, 50, and 51 have been canceled. Claims 33 and 34 have been amended to recite "consisting of" and "contiguous."

It is respectfully submitted that the amendments to claims 33 and 34 overcome the rejection under 35 U.S.C. § 112, first paragraph. The Examiner is requested to reconsider and withdraw the rejection of claims 33 and 34 as not complying with the Written Description requirement.

Allowable Subject Matter

The Examiner is thanked for noting at page 1 of the Office Action that claims 2-4, 8, 10, 13, 15-19, 37, 40, 43-49, and 52 are allowed.

Summary

It is respectfully submitted that the pending claims 2-4, 8, 10, 13, 15-19, 33-34, 37, 40, 43-49, and 52 are in condition for allowance and notification to that effect is respectfully

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Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

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requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for

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By

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CERTIFICATE UNDER 37 CFR §1.10:

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The undersigned hereby certifies that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box AF, Washington, D.C. 20231.

By: Gara Ladwig

Name: Gara Ladwig

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